

Appl. No. : 09/974,769  
Filed : October 9, 2001

### REMARKS

The April 7, 2004 Office Action was based upon pending Claims 1-7. In the Office Action, the Examiner rejected Claims 1-4 under 35 U.S.C. § 103 as being unpatentable over U.S. Patent No. 6,026,308 to Hsieh ("the Hsieh patent") in view of U.S. Patent No. 5,005,168 to Cumminskey ("the Cumminskey patent"). In addition, the Examiner allowed Claims 5-7. Thus, after entry of this Response, Claims 1-7 are pending and presented for further consideration.

Applicant would like to thank the Examiner for the interview extended to Applicant's counsel of record, John R. King, on June 16, 2004. During the interview, the Examiner agreed that the amendments to Claims 1 and 2 clarified the patentably distinguishing features of the invention. Reconsideration of the pending claims, as amended, is therefore respectfully requested.

### **REJECTION OF CLAIMS 1-4 UNDER 35 U.S.C. § 103**

In the April 7, 2004 Office Action, the Examiner rejected Claims 1-4 under 35 U.S.C. § 103 as being unpatentable over "the Hsieh patent" in view of the Cumminskey patent. In view of the above claim amendments and the following discussion, Applicant respectfully traverses this rejection.

Independent Claims 1 and 2 have been amended in order to clarify the patentably distinguishing features of Applicants' inventions along the lines discussed in the interview as the cited references do not teach the transmission of both audio and data. Furthermore, Claims 3 and 4 which depend from Claim 2, are believed to be patentable for the same reasons articulated above with respect to Claim 2, and because of the additional features recited therein.

Applicants therefore respectfully submit that Claims 1-4 are patentably distinguished over the Hsieh and Cumminskey patents, the other cited references or any combination thereof.

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**CONCLUSION**

Applicant has endeavored to address all of the Examiner's concerns as expressed in the outstanding Office Action. In light of the above remarks, reconsideration and withdrawal of the outstanding rejections is specifically requested.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

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